

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**GAGIK HAKOBYAN and
GEORGE KAZARYAN,**

Defendants.

8:12CR343

ORDER

This matter is before the court on the joint motion to continue by defendant Gagik Hakobyan and George Kazaryan (Filing No. 70). The defendants seek a continuance of the trial of this matter which is scheduled for October 28, 2013. Counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. However, **each** of the defendants shall file **on or before October 28, 2013**, an affidavit in accordance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order (Filing No. 19) that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Failure to file such an affidavit may result in the immediate rescheduling of the trial. **No further extensions will be granted except upon a showing by affidavit that the denial of such extension would amount to a manifest injustice.**

IT IS ORDERED:

1. The joint motion to continue trial (Filing No. 70) is granted.
2. Trial of this matter as to both defendants, Hakobyan and Kazaryan, is re-scheduled for **December 9, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 21, 2013, and December 9, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 21st day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge